1: Handy E-5 (1920-1921)1923 OX6 Marquesas OX6

793 624 rational priest of the tribal god. Sometimes on his own part, sometimes at the chief's behest, he performed his oracular function to discover the proper course that should be pursued.

Councils

623 793 622 The second source of guidance for the chief was through councils. Such amounted to nothing more than informal discussion in which the important members of the tribe, those who were recognized as powers in the community, including the *tuhuna*, and the *toa* or war leaders, participated. These councils were entirely informal: there was no organization, no formality. They took place either at the chief's house or, more commonly, at the warriors' house, which was near and secure from female interruption. The inspirational priest, who was usually related to the chief, played a most important part in these meetings. Whether the balance of power lay with him or the chief depended upon the personality and the reputation of each of the two men. The memory of people of today is so much more vivid regarding the exploits and power of their *tau'a* than of their chiefs, that it seems probable it was usually the priest, rather than the chief, who swayed the minds of the leaders of the people at these meetings. The relationship then must have been this: the chief was directed or guided in making his decisions by the *tau'a*, who received his indications from the tribal god. The *tuhuna*, leaders and organizers of peaceful enterprise, and the *toa*, war leaders, received their orders from the chief. And lastly the people received orders, were organized, directed, and led by the *tuhuna* and *toa*. The function of *toa* as war leaders is described under War, and the organization and direction of enterprise by *tuhuna* is discussed under Industries.

Personal retaliation

627 [628] [674] [784] For murder, theft, insult, or other personal offense within a tribe, the recourse was personal or family retaliation by open force or by supernatural means. Murder and other offenses on the part of other tribes were, if sufficiently serious, avenged by the tribe as a whole. All evidence indicates that stealing within a tribe was very rare and that killing was more so. Stealing was so frowned upon by public opinion that a father would disown a son who did it. Theft was usually punished by supernatural means but sometimes by death. Most of the murders that occurred within a tribe had as their motive sexual jealusy. A chief enforced his authority by supernatural means or by having the offenders killed by his war leaders *(toa)*. The executive tuhuna functioned as guardians of the chief's rights,—several of the stories collected illustrate this,—but the

1: Handy E-5 (1920-1921)1923 OX6 Marquesas OX6

protection of property was generally by supernatural means through a spell or by making the property *tapu* in one way or another, such as by giving it a sacred name.

PROPERTY

Ownership by the chief

In approaching the discussion of ownership of land, it will be necessary to reconsider for a moment the relationship of the chief to his people. The tribe was like the family of the chief: they were all relatives by birth, adoption, marriage or friendly alliance. This simile is not my own but comes from native informants. Natives also speak of all land as being owned in the ancient times by the chief. It seems, therefore, that one is justified in carrying the simile further and in saying that the land on which the tribe lived was owned by the chief in the same way that with us family property is legally owned by the head of the family. This was evidently the original conception. It would be the conception that would logically grow out of the native cosmogony, according to which land and people and chief were growths of one and the same stock. But evidence goes to show that in the later phase of the history of the Marquesas certainly much of the tribal land, and probably most of it, had come to be regarded as the private property of the chief of the tribe. But a definite, lingering conception of the land's belonging to the tribe is evidenced by the fact that if one asks today to whom belonged such and such a tract of land or valley, the reply is usually the name of the tribe that lived on it and not the name of an individual. Melville's description of his impressions of conditions in Tai-pi suggests that land ownership there was more or less communistic.

Discussion of this matter in Ua Pou, Nuku Hiva, and Hiva Oa showed, however, that there was what may be characterized as a rudimentary feudal system, under which the chief allotted sections of land to individuals or families and received in return a part of the produce and service in war and industry. Such allotments were proportional to the importance of the individual family in the tribal group. The chief could take back allotments, but customarily, the right to tenant them descended to the first-born whether son or daughter. The whole arrangement was not regular. A landed proprietor was called *anati'a* (cf. Tahitian *raatira*, Maori *rangatira*). Frequently land rights were acquired not by allotment from the chief but by a family's settling itself where it could do so without encroaching on the land of anyone else or by an individual's planting taro, breadfruit, or coconut where there was an unoccupied spot favorable for the culture. A family when once established on a piece of land had the

6: Lisianasky T-5 (1803-1806) 1814 OX6 Marquesas OX6

622 1804. May. [627] Noocahiva, like all the other islands of this group is govern-ed by a number of chiefs, each of whom is independent of the rest, having a separate district, and different subjects. These chiefs, or kings, are almost always at war with each other. Though their kingly dignity is, to outward appearance, more fictitious than real, they enjoy great privileges. They have large domains, and are in high respect with the people. In a fruitful [65] season, they have a right to a fourth part of the produce of the lands of their subjects; and in other seasons, an apportionment according to circumstances. Their dignity descends to them by hereditary succession. They can carry on war without consulting their people, and have sometimes a happy mode of making [92] peace: for example, After war had raged for a long time, both by sea and land, between the chiefs of the bay of Tayohaia and two other neighbouring bays, the brother of the king of Tayohaia married the daughter of one, and his son the daughter of the other of the two chiefs; and the consequence was a suspension of hostilities by sea; with this condition, that if both princesses should finish their days in harmony and happiness with their husbands, perpetual peace by land, as well as by sea, should thenceforward prevail between the three nations. How happy would it be for humanity, how much innocent blood would be spared, if all the princes of the world would, by similar alliances, introduce the reign of peace! But, alas! royal ties are in general no secure pledge of tranquillity to the respective nations.

● 627 I have hitherto said nothing of established laws or established religion; and it appeared to me, as if neither had existence in the country. With individuals, as with chiefs, the law of right seemed to be the law of strength; and even violence, theft, and murder, had no punishment but what personal revenge might dictate.